

STATE OF WISCONSIN

Senate Journal

Ninety–Eighth Regular Session

WEDNESDAY, April 18, 2007

The Chief Clerk makes the following entries under the above date.

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 35** offered by Senator Lassa.

Senate amendment 1 to **Senate Bill 80** offered by Senator Grothman.

The Chief Clerk makes the following entries dated April 17, 2007.

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

Assembly Joint Resolution 41

Concurred in:

Senate Joint Resolution 33

Senate Joint Resolution 34

Senate Joint Resolution 35

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 41

Relating to: declaring April 2007 Donate Life Month.

By Representatives Ballweg, Berceau, Bies, Boyle, Davis, Fields, Gunderson, Hahn, Hines, Jorgensen, Kaufert, Kerkman, F. Lasee, LeMahieu, Lothian, Moulton, Nass, Nerison, Nygren, A. Ott, J. Ott, Parisi, Petersen, Petrowski, Pridemore, Roth, Sheridan, Stone, Strachota, Suder, Tauchen, Townsend, Van Akkeren, Van Roy, Vos, Vruwink, Wieckert, Wood, Ziegelbauer, Zipperer and Sinicki; cosponsored by Senators Taylor, Cowles, Darling, Harsdorf, Kreitlow, Lehman, Olsen, Plale and Risser.

Read and referred to committee on **Senate Organization**.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS; REFERENCE OF APPOINTMENTS

Read first time and referred:

Senate Bill 149

Relating to: special observance days in school.

By Senators Plale, A. Lasee, Wirch, Darling, Taylor, Grothman, Coggs, Lehman, Hansen, Roessler, Lazich and Cowles; cosponsored by Representatives Turner, Zepnick, Honadel, Mason, Stone, Staskunas and Petrowski.

To committee on **Education**.

Senate Bill 150

Relating to: prohibiting smoking in places of employment, restaurants, taverns, and other indoor areas and providing a penalty.

By Senators Risser, Roessler, Coggs, Miller and Darling; cosponsored by Representatives Wieckert, Richards, Gottlieb, Boyle, Parisi, Black, Benedict, A. Ott, Berceau, Wasserman, Young, Pope–Roberts and Toles.

To committee on **Public Health, Senior Issues, Long Term Care and Privacy**.

REPORT OF COMMITTEES

The committee on **Economic Development, Job Creation, Family Prosperity and Housing** reports and recommends:

BRITTON, MARLA, of Westby, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 2011.

Confirmation.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Roessler.

Noes, 0 – None.

Senate Bill 7

Relating to: revisions in terminology that affect mobile homes, manufactured homes, modular homes, manufactured buildings, recreational vehicles, and mobile and manufactured home communities, and changes that apply to monthly fees collected by certain local governmental units.

Adoption of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Roessler.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Roessler.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Roessler.

Noes, 0 – None.

JULIE LASSA
Chairperson

The committee on **Labor, Elections and Urban Affairs** reports and recommends:

Senate Bill 50

Relating to: the frequency of wage payments to volunteer fire fighters.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Coggs, Wirch, Lehman, Grothman and

A. Lasee.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Coggs, Wirch, Lehman, Grothman and

A. Lasee.

Noes, 0 – None.

Senate Bill 80

Relating to: the regulation of traveling sales crews, requiring the exercise of rule-making authority, and providing penalties.

Passage.

Ayes, 3 – Senators Coggs, Wirch and Lehman.

Noes, 2 – Senators Grothman and A. Lasee.

SPENCER COGGS

Chairperson

The committee on **Public Health, Senior Issues, Long Term Care and Privacy** reports and recommends:

ARNESON, KENNETH, of Oshkosh, as a member of the Nursing Home Administrator Examining Board, to serve for the term ending July 1, 2010.

Confirmation.

Ayes, 5 – Senators Carpenter, Coggs, Kreitlow, Schultz and Cowles.

Noes, 0 – None.

MEYER, TANYA, of Gleason, as a member of the Board on Aging and Long Term Care, to serve for the term ending May 1, 2012.

Confirmation.

Ayes, 5 – Senators Carpenter, Coggs, Kreitlow, Schultz and Cowles.

Noes, 0 – None.

TIM CARPENTER

Chairperson

The committee on **Transportation, Tourism and Insurance** reports and recommends:

CONTA, DENNIS, of Milwaukee, as a member of the Health Insurance Risk-Sharing Plan Authority, to serve for the term ending May 1, 2010.

Confirmation.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

WICKHEM, REBECCA, of Milwaukee, as a member of the State Fair Park Board, to serve for the term ending May 1, 2011.

Confirmation.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Senate Bill 102

Relating to: creating an exception to the prohibition against underage persons entering or being on premises operating

under an alcohol beverage license for the Wisconsin Renaissance Faire in Chippewa Falls.

Introduction and adoption of Senate Amendment 1.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Senate Bill 20

Relating to: special distinguishing registration plates for fire fighters and groups that are military in nature.

Passage.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

Senate Bill 55

Relating to: designating and marking a bridge across the Wisconsin River in the city of Tomahawk as Veterans Memorial Bridge.

Passage.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

ROGER BRESKE

Chairperson

PETITIONS AND COMMUNICATIONS

University of Wisconsin System

April 13, 2007

The Honorable, The Legislature:

Each April, the UW System submits the Annual Minority and Disadvantaged Student Report to the Governor and the Chief Clerk of each house of the Legislature, as required by Wisconsin Statutes. The 2005-06 Minority and Disadvantaged Student Annual Report fulfills the requirement in Section [36.25 \(14m\)\(c\)](#) of the Wisconsin State Statutes that the Board of Regents report annually by April 15 on its pre-college, recruitment, and retention activities for multicultural and economically disadvantaged students. This is the eighth minority and disadvantaged student annual report under the Board of Regents-approved *Plan 2008: Educational Quality Through Racial and Ethnic Diversity*. The information contained in this report responds to the statutory requirement, and reflects some, but not all, of the initiatives and activities in Plan 2008. The report includes the following information:

- Summary information on pre-college initiatives and activities;
- Expenditures for student-of-color and disadvantaged-student programs; and
- Student financial assistance data.

At its meeting on April 13, 2007, the Board of Regents accepted the attached report for submission to the Governor and the Chief Clerk of each house of the Legislature for distribution to the appropriate standing committees under s. [13.172 \(3\)](#). The attached report fulfills the requirements of this statute.

If you need additional information regarding this report, please contact Rebecca R. Martin, Interim Senior Vice

President for Academic Affairs, at 608–262–3826. Thank you for your consideration.

Sincerely,
KEVIN P. REILLY
 President

Referred to committee on **Agriculture and Higher Education.**

**State of Wisconsin
 Ethics Board**

April 17, 2007

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2007–2008 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us/>

Campana, Joseph	Joseph Campana (DBA – The LegalEase Group)
Early, Annie	Omnalink Systems
Freker, Joshua	Wisconsin Coalition Against Domestic Violence
Moede, Peggy	PLS Financial Services Inc.
Nycz, Gregory	Marshfield Clinic
Palmer, Dian	SEIU District 1199W/United Professionals for Quality Health Care
Pawlisch, Curt	SEIU District 1199W/United Professionals for Quality Health Care
Petersen, Eric J	Forest County Potawatomi Community
Schooff, Susan	UST Public Affairs Inc
Stenger, Scott	Wisconsin Housing Preservation Corp
Strohl, Joseph	Menominee County
Walsh, Kenneth	Omnalink Systems

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,
R. ROTH JUDD
 Executive Director

**State of Wisconsin
 Legislative Audit Bureau**

April 17, 2007

The Honorable, The Legislature:

We have completed a review of information technology (IT) projects that describes and provides cost and funding information for 184 projects in 28 executive branch agencies. We identified 103 projects that were completed in the past two fiscal years at an estimated cost of \$90.6 million, and 81 projects that were ongoing at the start of fiscal year 2006–07 and are expected to cost \$201.1 million upon completion.

Individual projects with costs of \$1.0 million or more represent 92.7 percent of the expected costs of ongoing projects. These large projects are typically complex and entail a significant risk of exceeding estimated costs and time lines. We note particular concerns with six ongoing projects that are expected to cost a total of \$122.7 million upon completion and have already experienced difficulties.

In a detailed review of selected large, high-risk projects, we found evidence of inadequate planning that increased costs and compromised timeliness. Estimated costs for one project to customize software for administering the Unemployment Insurance program increased by \$18.7 million, and another project was suspended after \$23.6 million had been spent. In addition, sales and use tax software with a cost of at least \$24.9 million is being replaced only five years after implementation. Two statewide IT consolidation projects have experienced significant delays and cost overruns. A third, intended to replace approximately 100 types of administrative software and projected to cost at least \$66.6 million upon completion, requires close monitoring.

The Department of Administration (DOA) has broad statutory authority to oversee and coordinate state IT projects. However, its oversight has been inadequate. We include recommendations to improve DOA's collaboration with other agencies in identifying high-risk projects and establishing planning standards, including quantifiable performance measures. We also include recommendations to enhance legislative oversight of high-risk IT projects.

We appreciate the courtesy and cooperation extended to us by officials and staff of DOA and other agencies. DOA's response follows the appendices.

Respectfully submitted,
JANICE MUELLER
 State Auditor

**State of Wisconsin
 Legislative Audit Bureau**

April 17, 2007

The Honorable, The Legislature:

We have followed up on the Department of Revenue's (DOR's) efforts to address concerns related to the processing and distribution of sales and use taxes through its Integrated Tax System (ITS), which was implemented in December 2002. In a letter report issued in December 2005, we summarized challenges DOR faced during implementation of the sales and use tax component of ITS, including an initial backlog in processing sales and use tax returns, various computer programming problems, and errors in distributions from the State to counties and professional sports districts that assess their own sales and use taxes. Difficulties in planning ITS are described in a review of state information technology projects (report 07–5) that we are issuing today.

Our current analyses, together with work performed by the system's developer, indicate the errors we reported in December 2005 have been addressed effectively in ITS. This work provides reasonable assurance that ITS is accurately calculating counties' and two professional sports districts' shares of reported sales and use taxes.

To better understand sales and use tax trends, we analyzed and identified reasons for a decline in 2006 sales and use tax distributions to the Green Bay/Brown County Professional Football Stadium District. We found the decline was largely the result of lower sales and use taxes reported for the football stadium district; certain changes in sales and use tax law; and a reporting error by a single, large business entity.

In February 2007, DOR announced that ITS will be replaced with new software from a different vendor, at an estimated cost of \$3.3 million. Given the challenges faced in implementing ITS, we believe continued oversight will be important to ensure accuracy in the processing and distribution of local governments' sales and use taxes. Our report includes a recommendation for reporting by DOR to the Joint Legislative Audit Committee.

We appreciate the courtesy and cooperation extended to us by DOR staff during our review.

Sincerely,
JANICE MUELLER
State Auditor

ADVICE AND CONSENT OF THE SENATE

State of Wisconsin
Office of the Governor

April 17, 2007

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KACHELSKI, JOSEPH, of Verona, as a member of the Health Insurance Risk-Sharing Plan Authority, to serve for the term ending May 1, 2010.

Respectfully submitted,
JIM DOYLE
Governor

Read and referred to committee on **Transportation, Tourism and Insurance.**

State of Wisconsin
Office of the Governor

April 17, 2007

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MACARDY, WAYNE, of New

Lisbon, as a member of the Health Insurance Risk-Sharing Plan Authority, to serve for the term ending May 1, 2010.

Respectfully submitted,
JIM DOYLE
Governor

Read and referred to committee on **Transportation, Tourism and Insurance.**

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 06-139

Relating to energy efficiency and renewable resource programs.

Submitted by Public Service Commission.

Report received from Agency, April 11, 2007.

Withdrawn from committee on **Environment and Natural Resources** and rereferred to committee on **Commerce, Utilities and Rail**, pursuant to Senate Rule 46 (2)(b), April 18, 2007.

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

Senate Joint Resolution 22

Senate Joint Resolution 36